

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

FEB 15 2013

JULIA C. DWOLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

UNITED STATES OF AMERICA,  
Plaintiff,

v.

JIMMY LAWRENCE NANCE,  
Defendant.

Crim. No. 7:92CR00135

ORDER

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that Nance's Motion for Recusal, ECF Nos. 255, 259, and Motion for Production of Documents, ECF No. 258, shall be and hereby are **DENIED**.

It is further **ORDERED** that Nance's Request for Judicial Notice, ECF No. 260, is hereby **CONSTRUED** as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255. The Clerk is **DIRECTED** to redocket the motion as a § 2255 motion. Additionally, the § 2255 motion is hereby **DENIED** without prejudice as successive and should be **STRICKEN** from the active docket of the court. Finally, a Certificate of Appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to Nance and to counsel of record for the Respondent.

ENTER: This 15<sup>th</sup> day of February, 2013.

*[Signature: James C. Turk]*  
James C. Turk  
Senior United States District Judge